

### REMARKS

In the subject Notice, the Examiner states that the appeal brief filed on May 7, 2007 "fails to provide the status of all the claims filed in the application."

Appellants traverse. On page 2 of the subject Brief, the following statement is included:

#### *III. STATUS OF THE CLAIMS*

*Claims 1-3, 9-28 and 30-42 are pending, of which claims 17-19, 22-23, 25-28, 33 and 34 are withdrawn. Claims 1-3, 9-16, 20-21, 24, 30-32 and 35-42 are subject to the current appeal.*

This statement clearly provides the status of all of the claims in the application, and also identifies those claims that are subject to the appeal.

Thus, it is submitted that the Notice was sent in error.

The Examiner is invited to contact the undersigned attorney at (512) 536-3055 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,



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